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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/7/17,181

11/19/2003

D. Lynn Hoover

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06/13/2006

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EXAMINER

VANATTA, AMY B

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,181

Applicant(s)

HOOVER, D. LYNN

Examiner

Amy B. Vanatta

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-31 and 34-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group III (claims 32-33) in the reply filed on 4/10/06 is acknowledged. Claims 1-31 and 34-40 are withdrawn from consideration as drawn to non-elected inventions.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Nabeshima et al (US 5,307,614).

Nabeshima et al disclose a method of producing a textured yarn, including providing a crimped multifilament yarn B and a crimped multifilament yarn A (col. 4, lines 45-49; see Fig. 3). Thus, a step of crimping is performed in order to form these crimped yarns. Alternatively, the yarn B is drawn between rollers 3 and 5 while being heat treated by heater 4 to form a "thick and thin" yarn. Such a "thick and thin" yarn is considered to be crimped, and thus this step forms a step of "crimping yarn to define a textured yarn" as claimed. A step of bundling the texture yarn is disclosed; see interlacing nozzle 7 which functions to bundle the textured yarn to define bundled

textured yarn as claimed (see Fig. 3). The bundled textured yarn is heated by passing the yarn through false twisting heater 9 (Fig. 3). The bundled textured yarn is deposited onto roller pair 11, which forms a “conveyor” to the extent claimed in that it conveys the yarn downstream. A step of taking up the textured yarn after heating (9) is performed by take-up device 12 (Fig. 3 and see col. 9, lines 33-48).

Regarding claim 33, the bundled textured yarn proceeds through roller pair 8 and yarn B is elongated between rollers 8 and 11 (col. 9, lines 48-53). The roller pair 8 would inherently provide at least some degree of pressure to the yarn, resulting in at least some degree of compression to the extent recited in claim 33. This compressing between the rollers of pair 8 occurs prior to heating with heater 9.

4. Claims 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Eschenbach et al (US 4,610,131).

Eschenbach discloses a method of producing a textured yarn, including a step of crimping yarn to define textured yarn; see yarn 14 which is air textured by air jet 30, which inherently produces some crimp in the yarn during the texturing process. A step of bundling the textured yarn is performed by jet 48 which entangles yarns 12 and 14 together. The bundled textured yarn is heated by passing the yarn through heater 68 (Fig. 4). The bundled textured yarn is deposited onto rollers 67, 69, which form a “conveyor” to the extent claimed in that they convey the yarn downstream. A step of taking up the textured yarn after heating (68) is performed by take-up device 70 as disclosed in col. 2, lines 11-16 (see unnumbered take-up package shown in Fig. 4).

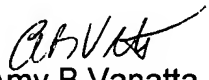
Regarding claim 33, the bundled textured yarn proceeds through roller pairs 72,74 and 76,78. The roller pairs would inherently provide at least some degree of pressure to the yarn, resulting in at least some degree of compression to the extent recited in claim 33. This compressing between the rollers of pairs 72,74 and/or 76,78 occurs prior to heating with heater 68.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Amy B Vanatta
Primary Examiner
Art Unit 3765